

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NICHOLAS V. MAESTAS,)	3:13-cv-00301-RCJ-WGC
)	
Plaintiff,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	April 22, 2015
)	
STATE OF NEVADA, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF: Nicholas V. Maestas, Pro Se (Telephonically)

COUNSEL FOR DEFENDANTS: Charles W. Lehman, Esq.

MINUTES OF PROCEEDINGS: Status Conference

10:05 a.m. Court convenes.

The court addresses the status of certain supplemental discovery responses that were ordered to be produced during the previous status conference held on March 16, 2015 (Doc. # 39).

Reviewing the record, the court indicates Defendants filed a Notice of Compliance with Order [#39] (Doc. # 44), which contain responses and verifications to Plaintiff's third, fourth, and fifth sets of interrogatories. Mr. Maestas states he has not received the notice or the supplemental responses as of today's date. Deputy Attorney General Charles Lehman explains the responses were mailed to plaintiff Maestas at Ely State Prison ("ESP") on Friday, April 17, 2015, and it is possible the responses have not reached ESP just yet.

Based upon the DAG Lehman's representations, the court at this time is satisfied with Defendants' notice that the supplemental discovery responses are being produced to Plaintiff. The court is further satisfied with Defendants' representations that there are no other outstanding interrogatories or verifications that need to be produced. Therefore, Plaintiff's discovery requests regarding outstanding interrogatories and verifications are resolved.

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The court suggests if Plaintiff does not receive Defendants' supplemental responses relatively soon, Plaintiff should notify the court. However, if Plaintiff does receive the supplemental response but is not satisfied with the content of those responses, he should first meet and confer with Defendants' counsel. Therefore, should the meet and confer conference not satisfy Plaintiff's concerns, he should then file a motion to compel for the court's intervention.

The court next addresses the discovery dispute regarding video surveillance footage. Defendants filed a separate notice regarding the investigation of surveillance footage (Doc. # 43). Plaintiff Maestas indicates he has received Defendants' notice regarding the surveillance footage.

After discussion, the court states it is satisfied with the explanation of what video surveillance footage is available and what footage is no longer available due to the purging or deletion of temporary stored footage. Therefore, insofar there are any outstanding discovery disputes regarding the availability of surveillance footage concerning the subject matter of this litigation, the Defendants' supplemental responses are adequate and responsive to Plaintiff's discovery production request.

The court next inquires about Plaintiff's Objections to Magistrate Judges Orders (Doc. # 42). Plaintiff agrees with the court's observation that his concerns regarding Exhibit G have been adequately addressed and finalized by the discussions had today. Plaintiff further indicates, in light of Defendants' counsel's representations that supplemental responses have been mailed to him, he no longer wishes to pursue any of the objections identified in his motion (Doc. # 42). In view of Plaintiff's statements and request to withdraw his objections entirely, Plaintiff's Objections to Magistrate Judges Orders (Doc. # 42) is **WITHDRAWN**.

The court next reestablishes the following deadlines:

Dispositive Motions: Friday, May 29, 2015, and

Joint Pretrial Order: Tuesday, June 30, 2015 - unless, in the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision of the dispositive motions or further order of the court.

Before adjourning today's conference, DAG Lehman advises the court that he has verified with ESP that Mr. Maestas' legal documents have been returned to him and are in his possession. Mr. Maestas confirms DAG Lehman's representations are accurate.

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Plaintiff Maestas and DAG Lehman confirm there are no further matters to address today;
court adjourns at 10:20 a.m.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Katie Lynn Ogden, Deputy Clerk